

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DAVID ANNUNZIATO,

Plaintiff,

v.

COLLECTO, INC. d/b/a EOS CCA,

Defendant.

No. 2:12-CV-03609-ADS-AKT

**DEFENDANT'S RESPONSES  
TO ADMISSION REQUESTS**

Defendant Collecto, Inc. d/b/a EOS CCA, hereby responds to plaintiff's Request for Admissions, reserving until trial all objections to the relevance or admissibility of the responses, as follows:

**REQUESTS FOR ADMISSIONS:**

1. Plaintiff is a natural person.

**ANSWER:**

**Admits.**

2. Plaintiff is a consumer as defined by the FDCPA, 15 U.S.C. §1692a(3).

**ANSWER:**

**Admits.**

3. Defendant is engaged in the collection of debts from persons using the mail and/or telephone.

**ANSWER:**

**Admits.**

4. Defendant regularly attempts to collect consumer debts alleged to be due to another.

**ANSWER:**

**Admits.**

5. Defendant attempted to collect an alleged debt from the Plaintiff.

**ANSWER:**

**Admits.**

6. The debt that the Defendant attempted to collect from Plaintiff was allegedly incurred for school tuition.

**ANSWER:**

**Admits.**

7. Defendant was and is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

**ANSWER:**

**Admits.**

8. On or about May 16, 2012 Defendant mailed to Plaintiff the letter attached as Exhibit A to the Plaintiff's complaint in this action.

**ANSWER:**

**Admits.**

9. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 40 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

10. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 50 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

11. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 60 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

12. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 70 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

13. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 80 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

14. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 90 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

15. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 100 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

16. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 200 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

17. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 500 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

18. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar



or materially identical to that contained in Exhibit A to Plaintiff's complaint to 1000 or more natural persons with addresses in New York State.

**ANSWER:**

**Admits.**

19. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 2000 or more natural persons with addresses in New York State.

**ANSWER:**

**Denies.**

20. During the one year immediately preceding the filing of the Complaint in this action, the Defendant sent letters containing language substantially similar or materially identical to that contained in Exhibit A to Plaintiff's complaint to 3000 or more natural persons with addresses in New York State.

**ANSWER:**

**Denies.**

21. Defendant's net worth exceeds \$50,000.

**ANSWER:**

**Denies.**

22. Defendant's net worth exceeds \$100,000.

**ANSWER:**

**Denies.**

23. Defendant's net worth exceeds \$150,000.

**ANSWER:**

**Denies.**

24. Defendant's net worth exceeds \$200,000.

**ANSWER:**

**Denies.**

25. Defendant's net worth exceeds \$250,000.

**ANSWER:**

**Denies.**

26. Defendant's net worth exceeds \$300,000.

**ANSWER:**

**Denies.**

27. Defendant's net worth exceeds \$350,000.

**ANSWER:**

**Denies.**

28. Defendant's net worth exceeds \$400,000.

**ANSWER:**

**Denies.**



29. Defendant's net worth exceeds \$450,000.

**ANSWER:**

**Denies.**

30. Defendant's net worth exceeds \$500,000.

**ANSWER:**

**Denies.**

31. Defendant's net worth exceeds \$600,000.

**ANSWER:**

**Denies.**

32. Defendant's net worth exceeds \$750,000.

**ANSWER:**

**Denies.**

33. Defendant's net worth exceeds \$1,000,000.00

**ANSWER:**

**Denies.**

34. Defendant's net worth exceeds \$1,250,000.00

**ANSWER:**

**Denies.**

35. Defendant's net worth exceeds \$1,500,000.00

**ANSWER:**

**Denies.**

36. Defendant's net worth exceeds \$1,750,000.00

**ANSWER:**

**Denies.**

37. Defendant's net worth exceeds \$2,000,000.00

**ANSWER:**

**Denies.**

38. Defendant's net worth exceeds \$3,000,000.00

**ANSWER:**

**Denies.**

39. Admit that Defendant has no factual basis to believe that the Plaintiff is not an adequate class representative in this action.

**ANSWER:**

**Neither admits not denies. Information currently available to the defendant does not permit a response, involving matter that is subject to discovery and later investigation.**

40. Admit that Defendant has no factual basis to believe that Joseph Mauro is not adequate counsel to represent a class in this action.

**ANSWER:**

**Neither admits not denies. Information currently available to the defendant does not permit a response, involving matter that is subject to discovery and later investigation.**

41. Admit that Defendant sent the Plaintiff a letter indicating that the Plaintiff owed \$1,382.79 for "Fees/Coll Costs."

**ANSWER:**

**Denies. The letter indicated that the creditor's claim included \$1,382.79 for "Fees/Coll Costs."**

42. Admit that Defendant had no legal basis to attempt to collect \$1,382.79 from the Plaintiff for "Fees/Coll Costs."

**ANSWER:**

**Denies.**

Date: February 1, 2013

THE DEFENDANT  
COLLECTO, INC. d/b/a EOS/CCA

By:   
Jonathan D. Elliot

Zeldes, Needle & Cooper, P.C.  
1000 Lafayette Boulevard  
Bridgeport, CT 06604  
Tel: 203-333-9441  
Fax: 203-333-1489  
E-Mail: jelliot@znclaw.com

Its Attorneys

CERTIFICATION

This is to certify that a copy of the foregoing has been sent via U.S. First Class Mail, postage prepaid, on this date, to:

Joseph Mauro, Esq.  
The Law Office of Joseph Mauro, LLC  
306 McCall Avenue  
West Islip, NY 11795

Dated at Bridgeport, Connecticut on this 1<sup>st</sup> day of February 2013.



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Jonathan D. Elliot